

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 10/776,006 Confirmation No.: 9101
Applicant(s): David Paul Yach
Filed: October 12, 2004
Group Art Unit: 2161
Examiner: Bibbee, Jared M.
Title: Apparatus, And Associated Method, For Facilitating Determination of Synchronization Status of Database Copies Connected by Way of a Radio Air Interface of a Radio Communication System

Docket No.: 1578.120 (11428-5-US-PAT)
Customer No.: 44208

Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION PURSUANT TO 37 C.F.R. § 1.78(a)(5)

Dear Sir:

The undersigned petitioner hereby petitions to claim priority under Section 119(e) of European patent application of application serial no. 04250705.3 filed on 10 February 2004.

The undersigned avers that the entire delay between the date that the claim to priority was due and the date that the claim was made was unintentional.

The undersigned attorney of record filed the patent application of application serial no. 10/776,006 on February 10, 2004.

A Notice of Incomplete Non-provisional Application was mailed on September 14, 2004 notifying that the application was incomplete due to the missing drawings, the executed declaration and the filing fees.

A response to the Notice of Incomplete Non-provisional Application was filed on 06 October 2004 using the filing date of February 10, 2004.

A filing receipt subsequently was received on October 28, 2004 with the application assigned a filing date of 12 October 2004. This new filing date was not properly docketed, and the intended amendment to the application to claim priority of the corresponding European application No. 04250705.3 filed on February 10, 2004 was inadvertently not made.

An Application data sheet identifying the priority claim is enclosed herewith that adds the required reference of the priority claim.

The Commissioner is authorized to debit deposit account no. 502032 for the petition fee required pursuant to 37 CFR 1.17(t) and all other fees requires pursuant to this petition and this application.

Respectfully submitted,

/Robert H. Kelly/

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